



### E21 Indian Premier League vs. Asif: A Tale of Jurisdictional, Legal, and Scientific Conflict

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After attending this presentation, attendees will have learned about the cultural, scientific, jurisdictional, and legal issues that can be encountered when assisting a sporting franchise dealing with an allegation of “doping” for the first time.

This presentation will impact the forensic science community by discussing the problems that can arise when assisting a court or tribunal in a novel case and of the need to keep focused on the duty of the expert to the Court even in difficult circumstances.

Cricket is a sport popular as both a spectator sport and a game that can be played at all levels throughout the former British Empire outside of North America. Recently the game has been commercially revitalized by the introduction of 20/20 cricket, where each side has 20 overs and a game can be completed in a day. Another development is that players at all levels, amateur and professional, now incorporate strength training in their training schedules.

The Indian Premier League (IPL) is a franchise operation with consortia first bidding to establish teams, usually with a regional base such as the “Mumbai Indians”, and then participating in a very active auction to attract the best players, mainly but not exclusively from South Asia. The blend of exciting 20/20 Cricket, elite players and a knockout competition has proved commercial very successful in both the 2008 and the 2009 seasons.

Mohammed Asif, “the player,” is a Pakistani medium paced bowler who has played in the Pakistani domestic game, for Leicestershire in England and internationally. In 2008, he was a member of the Delhi Daredevils team. He had previously been suspended after an adverse finding of nandrolone in his urine in 2006. He attributed this to the use of protein supplements. He was initially banned for two years after a hearing before the Pakistani Cricket Board (PCB) in November 2006. He appealed and in December 2006 a differently constituted PCB tribunal dismissed his ban on a 2-1 majority decision. Despite this, he was dropped from the Pakistani national team shortly before they left for a tour of the West Indies in March 2007 because of concerns that if he were to be tested on that tour he would still give a positive result for nandrolone.

In July 2008, it was announced that he had provided a sample of urine that had been reported as providing an adverse finding in respect of the presence of nandrolone metabolites. A vigorous defense was mounted at the hearings held at the Board of Control for Cricket in India (BCCI) headquarters in Mumbai. The jurisdiction of the tribunal over IPL players was challenged. The collection procedure, sample storage, and transport were challenged. The precision of the assay was challenged, the point being made by the defense that the tribunal could not be sure that the concentration of nandrolone metabolites exceeded the threshold value set by the World Anti-Doping Organisation (WADA). The possibility that the urine was “active” with micro-organisms producing metabolites otherwise characteristic of nandrolone metabolism was raised together with the points being made about sample storage.

The entire of the first session of the hearing was taken up with jurisdictional issues. The day before the second hearing Islamic terrorists attacked Mumbai, with the hearing being cancelled. An application was then made to change the venue, on the basis that the player was at risk as a result of anti-Islamic feeling in Mumbai.

The hearing was eventually reconvened in Mumbai and, as the hearing recommenced, a report was disclosed from an Ophthalmologist in Karachi, which indicated that the player had been treated with Keratyl<sup>®</sup> Eye drops (Chauvin Bausch & Lomb, Montpellier, France) for a corneal abrasion. Keratyl contains a 1% solution of nandrolone sulphate. Keratyl has been reported to produce positive results for the presence of nandrolone metabolites in urine. (Avois L, Mangin P, Saugy

M. Concentrations of nandrolone metabolites in urine after the therapeutic administration of an ophthalmic solution. *J Pharm Biomed Anal.* 2007, 9;44(1):173-9).

The decision of the Tribunal was that the adverse analytical finding was accepted and the player was banned from participation in sport until September 21, 2009.

#### Cricket, Doping, Nandrolone